UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

JIMMY DALE SMITH,)	
Petitioner,)	
VS.)	Case No. 4:09CV299 RWS
UNITED STATES OF AMERICA,)	Cuse 110. 1.05C 7255 1CWS
,)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before me on petitioner's motion for summary judgment and/or evidentiary hearing. I denied petitioner's § 2255 motion without an evidentiary hearing on February 18, 2011, and petitioner's motion does not convince me that my decision was in error, so I will deny the motion.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for summary judgment and/or evidentiary hearing [#48] is denied.

RODNEY W. SIPPEL

UNITED STATES DISTRICT JUDGE

Dated this 23rd day of February, 2011.